

الْبَابُ السَّابِعُ

الْبِرُّ وَحُسْنُ التَّعَامِلِ مَعَهُمْ

CHAPTER SEVEN

TREATING NON-MUSLIMS WITH
PIETY AND EXCELLENCE

QUR'ĀN

١. ﴿أَذْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحِكْمَةِ وَالْمَوْعِظَةِ الْخَسَنَةِ وَجِدْلُهُمْ
بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَنْ ضَلَّ عَنْ سَبِيلِهِ وَهُوَ أَعْلَمُ
بِالْمُهَتَّدِينَ﴾

١. ﴿(O Glorious Messenger!) Invite towards the path of your Lord with wisdom and refined exhortation and (also) argue with them in a most decent manner. Surely, your Lord knows well the one who strayed away from His path, and He also knows well the rightly guided.﴾^١

٢. ﴿وَلَا تُجَدِّلُوا أَهْلَ الْكِتَابِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ إِلَّا لِلَّذِينَ ظَلَمُوا
مِنْهُمْ وَقُولُوا إِنَّا مُؤْمِنُونَ بِالَّذِي أُنْزِلَ إِلَيْنَا وَإِنَّا نُنَزِّلُ إِلَيْكُمْ وَإِلَهُنَا وَإِلَهُكُمْ
وَاحِدٌ وَّهُنَّ لَكُم مُّسْلِمُونَ﴾

٢. ﴿And, (O believers,) do not argue with the People of the Book but in a suitable and decent way, except those of them who did injustice. And say (to them): “We believe in that (Book) which has been revealed to us and which was sent down to you, and our God and your God is but One and we obey Him alone.”﴾^٢

HADITH

١/٦٩ . عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ قَالَتْ: قَدِمْتُ عَلَيَّ أُمِّي وَهِيَ مُشْرِكَةٌ فِي عَهْدِ

^١ Qur'ān 16:125.

² Ibid., 29:46.

رَسُولِ اللَّهِ ﷺ، فَاسْتَفْتَيْتُ رَسُولَ اللَّهِ ﷺ قُلْتُ: وَهِيَ رَاغِبَةٌ أَفَأَصِلُّ أُمِّي؟ قَالَ: نَعَمْ،
صِلِّي أُمَّكَ.

مُتفَقٌ عَلَيْهِ.

69/1. Asmā', daughter of Abū Bakr ﷺ, narrated:

"My mother came to me during the period of Allah's Messenger ﷺ when she was still a polytheist. I asked about the ruling from Allah's Messenger ﷺ: 'She desires (a gift from me); shall I keep kinship with her?' He said: 'Yes, keep good relations with your (polytheist) mother.'"¹

Agreed upon by al-Bukhārī and Muslim.

٧٠/٢. عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ ﷺ قَالَ: مَرَّتْ بِنَا جَنَازَةً فَقَامَ لَهَا النَّبِيُّ ﷺ وَقَمْنَا لَهُ،
فَقُلْنَا: يَا رَسُولَ اللَّهِ، إِنَّهَا جِنَازَةُ يَهُودِيٍّ! قَالَ: إِذَا رَأَيْتُمُ الْجِنَازَةَ فَقُوْمُوا.
مُتفَقٌ عَلَيْهِ.

70/2. Jābir b. ‘Abd Allah ﷺ related:

"A funeral procession passed in front of us and the Prophet ﷺ stood up and we too stood up." We said, 'O Messenger of Allah ﷺ, this is the funeral procession of a Jew!' He said: 'If you catch sight of the bier (the funeral procession), you must stand up.'"²

¹ Set forth by •al-Bukhārī in *al-Šaḥīḥ: Kitāb al-hiba wa fadlu-hā* [The Book of Gifts and their Excellence], chapter: "Gifts to idolaters," 2:924 §2477 and in *Kitāb al-Jizya* [The Book of Annual Security Tax for non-Muslims], chapter: The sin committed by someone who promises and then betrays, 3:1162 §3012. •Muslim in *al-Šaḥīḥ: Kitāb al-Zakāt* [The book of the Alms-due], chapter: "The excellence of spending on and giving alms to relatives, to spouse, to children, and parents even if they are polytheists," 2:696 §1003. •Ahmad b. anbal in *al-Musnad*, 6:347 §26985. •Abū Dāwūd in *al-Sunan: Kitāb al-Zakāt* [The book of the Alms-due], chapter: "Bestowing charity upon the non-Muslim citizens of a Muslim country," 2:127 §1668. •al-Ṭabarānī in *al-Mu‘jam al-kabīr*, 24:78 §203. •‘Abd al-Razzāq in *al-Muṣannaf*, 6:38 §9932.

² Set forth by •al-Bukhārī in *al-Šaḥīḥ: Kitāb al-Janā’iz* [The Book of Funeral

Agreed upon by al-Bukhārī and Muslim.

٣/٧١ . وَفِي رِوَايَةِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: كَانَ سَهْلُ بْنُ حُنَيْفٍ وَقَيْسُ بْنُ سَعْدٍ قَاعِدَيْنِ بِالْقَادِيسِيَّةِ. فَمَرُورًا عَلَيْهِمَا جِنَازَةً، فَقَامَا. فَقِيلَ لَهُمَا: إِنَّهَا مِنْ أَهْلِ الْأَرْضِ أَيْ مِنْ أَهْلِ الدَّمَةِ. فَقَالَا: إِنَّ النَّبِيَّ مَرَّتْ بِهِ جِنَازَةً، فَقَامَ فَقِيلَ لَهُ: إِنَّهَا جِنَازَةُ يَهُودِيٍّ. فَقَالَ: أَلَيْسْتُ نَفْسًا؟
مُتَعَقِّدٌ عَلَيْهِ.

٧١/٣. 'Abd al-Rahmān b. Abī Layla ﷺ related:

"Sahl b. 'unayf and Qays b. Sa'd ﷺ were sitting in the city of al-Qādisiyya. A funeral procession passed in front of them and they both stood up. They were told that the funeral procession was of one of the inhabitants of the land (i.e., of a non-believer). They both said: '(Once) a funeral procession passed in front of the Prophet ﷺ and he stood up. When he was told that it was the funeral of a Jew, he said: 'Is it not a soul?'"^١

Agreed upon by al-Bukhārī and Muslim.

Ceremonies], chapter: "Someone standing up for a Jewish funeral procession," ١:٤٤١ §١٢٤٩. •Muslim in *al-Šaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for a funeral procession," ٢:٦٦٠ §٩٦٠. •Ahmad b. anbal in *al-Musnad*, ٣:٣١٩ §١٤٤٦٧. •al-Nasā'i in *al-Sunan: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for the funeral procession of the people who associate partners with Allah," ٤:٤٥ §١٩٢٢ and in *al-Sunan al-kubrā*, ١:٦٢٦ §٢٠٤٩.

^١ Set forth by •al-Bukhārī in *al-Šaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for a Jewish funeral procession," ١:٤٤١ §١٢٥٠. •Muslim in *al-Šaḥīḥ: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone getting to his feet for a funeral procession," ٢:٦٦١ §٩٦١. •Ahmad b. Hanbal in *al-Musnad*, ٦:٦ §٢٣٨٩٣. •al-Nasā'i in *al-Sunan: Kitāb al-Janā'iz* [The Book of Funeral Ceremonies], chapter: "Someone standing up for the funeral procession of the people who associate partners with Allah," ٤:٤٥ §١٩٢١ and in *al-Sunan al-Kubrā*, ١:٦٢٦ §٢٠٤٨. •Ibn Abi Shayba in *al-Muṣannaf*, ٣:٣٩ §١١٩١٨. •Ibn al-Ja'd in *al-Musnad*, p. 27 §٧٠. •al-Ṭabarānī in *al-Mu'jam al-Kabīr*, ٦:٩٠ §٥٦٠٦. •al-Bayhaqī in *al-Sunan al-Kubrā*, ٤:٢٧ §٦٦٧٢.

٤/٧٢ . عَنْ هِشَامِ بْنِ حَكِيمٍ بْنِ حِزَامٍ قَالَ: مَرَّ بِالشَّامِ عَلَى أَنْاسٍ وَقَدْ أُقِيمُوا فِي الشَّمْسِ وَصُبِّ عَلَى رُؤُسِهِمُ الْزَّيْتُ . فَقَالَ: مَا هَذَا؟ قِيلَ: يُعَذَّبُونَ فِي الْخَرَاجِ . فَقَالَ: أَمَا إِنِّي سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ: إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذَّبُونَ فِي الدُّنْيَا .
رَوَاهُ مُسْلِمٌ وَأَحْمَدُ وَأَبُو دَاؤِدَ وَالنَّسَائِيُّ .

72/4. Hishām b. akīm b. izām reported:

“Once he passed by some people in Syria who were made to stand in the sun, and olive oil was poured on their heads. He asked: ‘Why are they getting punished?’ He was told that they were being punished for not paying the land tax. akīm b. Hizām said that he heard Allah’s Messenger ﷺ say: ‘Indeed, Allah shall torment those who torment others in the life of this world.’”¹

Reported by Muslim and Ahmad, Abū Dāwūd and al-Nasā’ī.

٥/٧٣ . وَفِي رِوَايَةِ عَنْ عُرْوَةَ بْنِ الزُّبَيرِ أَنَّ هِشَامَ بْنَ حَكِيمٍ وَجَدَ رَجُلًا وَهُوَ عَلَى حُصْنٍ يُشَمَّسُ نَاسًا مِنَ النَّبْطِ فِي أَدَاءِ الْجِزْيَةِ فَقَالَ: مَا هَذَا؟ إِنِّي سَمِعْتُ رَسُولَ اللَّهِ يَقُولُ: إِنَّ اللَّهَ يُعَذِّبُ الَّذِينَ يُعَذَّبُونَ النَّاسَ فِي الدُّنْيَا .
رَوَاهُ مُسْلِمٌ وَأَحْمَدُ وَأَبُو دَاؤِدَ وَالنَّسَائِيُّ .

73/5. Urwa b. al-Zubayr reported:

“Hishām b. akīm found that the ruler of Homs made some Nabateans (a nation in Iraq) stand in the sun, for not paying their annual security tax (*jizya*). He said: ‘What is this? I heard Allah’s

¹ Set forth by •Muslim in *al-Šaḥīḥ*: *Kitāb al-birr wa al-ṣila wa al-ādāb* [The Book of Piety, Filial Duty and Good Manners], chapter: “The Severe Divine Threat to the One Who Punishes People Unjustly,” 4:2018 § 2613. •Ahmad b. Ḥanbal in *al-Musnad*, 3:403, 404, 468. •Abū Dāwūd in *al-Sunan*: *Kitāb al-kharāj* [The Book of Land Taxation], chapter: “On Being Harsh,” 3:106 § 3045. •al-Nasā’ī in *al-Sunan al-kubrā*, 5:236 § 8771.

Messenger ﷺ say: “Allah Most High will torment those who torture people in this world.””¹

Reported by Muslim and Ahmad, Abū Dāwūd and al-Nasā’ī.

٦/٧٤. عَنْ أَبِي قَتَادَةَ قَالَ: قَدِيمٌ وَفُدُّ النَّجَاشِيِّ عَلَى النَّبِيِّ ﷺ فَقَامَ يَخْدُمُهُمْ . فَقَالَ أَصْحَابُهُ: تَحْنُنُ نَكْفِيْكَ، يَا رَسُولَ اللَّهِ . قَالَ: إِنَّهُمْ كَانُوا لِأَصْحَابِ مُكْرِمِينَ، فَإِنِّي أَحِبُّ أَنْ أَكَافِئَهُمْ .
رَوَاهُ الْبَيْهَقِيُّ وَالصَّيْدَأَوِيُّ وَذَكَرَهُ أَبْنُ كَثِيرٍ وَالْحَلَبِيُّ .

74/6. Abū Qatāda related:

“A delegation of King Negus of Abyssinia [*abasha*] came to the Prophet ﷺ and he served them (very well). His Companions said: ‘O Messenger of Allah! We are here to serve them.’ Allah’s Messenger ﷺ replied: ‘These people paid respect to my Companions; therefore, I like that I myself pay back their generosity.’”²

Reported by al-Bayhaqī, al-Šaydāwī and cited by Ibn Kathīr and al- alabī.

٧/٧٥. عَنْ جُبَيْرِ بْنِ نُعْمَانَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَتَى بَنَالِ كَثِيرَ، قَالَ أَبُو عُبَيْدٍ: أَحْسِبُ قَالَ: مِنَ الْجِزْرِيَّةِ، فَقَالَ: إِنِّي لَا ظُنُنُكُمْ قَدْ أَهْلَكْتُمُ النَّاسَ . قَالُوا: لَا، وَاللَّهِ، مَا أَخَذْنَا إِلَّا عَفْوًا صَفْوًا . قَالَ: يَلَا سَوْطٍ وَلَا نُوْطٍ؟ قَالُوا: نَعَمْ . قَالَ: الْحَمْدُ

¹ Narrated by •Muslim in *al-Šaḥīḥ*: *Kitāb al-birr wa al-ṣila wa al-ādāb* [The Book of Piety, Filial Duty and Good Manners], chapter: “The Severe Divine Threat for Someone Who Punishes People Unjustly,” 4:2018 §2613. •Ahmad b. Hanbal in *al-Muṣnād*, 3:404 §5612. •Abū Dāwūd in *al-Sunan*: *al-Kharāj wa al-Imāra wa al-Fay'* [The Book of the Land Tax, Imperial Authority and the Bestowal of Booty], chapter: “Recovering the Capitation Tax Forcibly,” 3:169 §3045. •al-Nasā’ī in *al-Sunan al-Kubrā*, 5:236 §8771.

² Set forth by •al-Bayhaqī in *Shu‘ab al-īmān*, 6:518 §9125 and in *Dalā'il al-Nubuwwa*, 2:307. •al-Šaydāwī in *Mu‘jam al-shūyūkh*, 1:97. •al- alabī in *al-Sīra al- alabīyya*, 2:758. •Ibn Kathīr in *al-Sīra*, 2:31.

لَهُ الَّذِي لَمْ يَجْعَلْ ذَلِكَ عَلَىٰ يَدِيَ وَلَا فِي سُلْطَانِي.
رَوَاهُ أَبُو عُبَيْدٍ وَذَكَرَهُ ابْنُ قَدَامَةَ فِي الْمُغْنِي.

75/7. According to Jubayr b. Nufayr ﷺ:

“A large amount of wealth was brought to ‘Umar b. al-Khaṭṭāb ﷺ. Abū ‘Ubayd said: ‘I believe it was the money collected from tax.’ ‘Umar said: ‘For certain, you have destroyed the people!’ They [the tax collectors] said: ‘No, by Allah! We have only taken with tenderness and ease what was surplus to their needs.’ ‘Umar inquired, ‘Was it acquired without recourse to a whip or coercion?’ They replied: ‘Yes.’ He said: ‘All praise is due to Allah, Who did not put that (oppression and injustice) on my hands or during my rule.’”¹

Reported by Abū ‘Ubayd al-Qāsim b. Sallām and cited by Ibn Qudāma in *al-Mughnī*.

TRADITIONS OF PIOUS SCHOLARS OF EARLY TIMES

• وَفِي الدُّرُّ الْمُخْتَارِ: وَيَحْبُّ كَفُّ الْأَذَى عَنْهُ وَتَحْرُمُ غَيْبَتُهُ كَالْمُسْلِمِ.

In *al-Durr al-mukhtār* it is stated: “It is mandatory to keep him [the non-Muslim citizen] from agony and torture. Backbiting him is forbidden, just as it is forbidden to backbite a Muslim.”²

• وَقَالَ الْإِمَامُ شَهَابُ الدِّينِ الْقُرَافِيُّ الْمَالِكِيُّ فِي كِتَابِهِ ‘الْفُرُوقُ’، عَنْ حُقُوقِ غَيْرِ الْمُسْلِمِينَ:

إِنَّ عَقْدَ الذَّمَّةِ يُوْجِبُ لَهُمْ حُقُوقًا عَلَيْنَا، لَا نَهُمْ فِي جَوَارِنَا وَفِي خِفَارَتِنَا (حِمَائِتِنَا) وَذِمَّتِنَا وَذِمَّةُ اللَّهِ تَعَالَى، وَذِمَّةُ رَسُولِ اللَّهِ ﷺ، وَدِينُ الإِسْلَامِ.

¹ Cited by •Abū ‘Ubayd al-Qāsim b. Sallām in *Kitāb al-amwāl*, p. 54 §114. •Ibn Qudāma in *al-Mughnī*, 9:290.

² •Al-Haskafī, *al-Durr al-mukhtār*, 2:223. •Ibn ‘Ābidīn al-Shāmī, *Radd al-muhtār*, 3:273–274.

فَمَنْ اعْتَدَى عَلَيْهِمْ وَلَوْ بِكَلْمَةٍ سُوءٍ أَوْ غَيْرَهُ، فَقَدْ ضَبَّعَ ذِمَّةَ اللَّهِ، وَذِمَّةَ رَسُولِهِ ﷺ وَذِمَّةَ دِينِ الإِسْلَامِ.

Imam Shihāb al-Dīn al-Qurāfī, the famous Mālikī jurist, wrote in his book *al-Furūq* about the rights of non-Muslim citizens: “The *dhimma* contract for non-Muslims establishes certain rights that they have upon us because they live in proximity to us and are under our protection and care and the care of Allah and His Messenger ﷺ and the religion of Islam. So whoever transgresses against them—even by an evil word or through backbiting—has lost the guarantee of Allah, His Messenger ﷺ and the religion of Islam [i.e., did not fulfil the rights and duties owed to them, and has acted sinfully].”¹

• قَالَ ابْنُ عَابِدِيْنَ الشَّامِيُّ فِي حُقُوقِ عَيْرِ الْمُسْلِمِيْنَ: لَا تَنْهَى عَنِ الْذَّمَّةِ وَجَبَ لَهُ مَا لَنَا، فَإِذَا حَرُمْتُ غَيْرُهُ الْمُسْلِمُ حَرُمْتُ غَيْرُهُ، بَلْ قَالُوا: إِنَّ ظُلْمَ الْذَّمَّيْ أَشَدُ.

Ibn ‘Abidīn al-Shāmī writes about the rights of non-Muslim citizens: “For due to the contract of *dhimma* he [a non-Muslim] enjoys the same rights as we do. Backbiting a non-Muslim is forbidden the same way as it is for Muslims. Nay, they [the jurists] have said that oppression meted out to a non-Muslim citizen is even severer [in sin].”²

• قَدْ حَقَّقَ الْإِمَامُ الْكَاسَانِيُّ فِي كِتَابِهِ بَدَائِعُ الصَّنَائِعِ، الْمُسَاَوَاهَةَ فِي الْحُقُوقِ بَيْنَ الْمُسْلِمِيْنَ وَغَيْرِ الْمُسْلِمِيْنَ: لَهُمْ مَا لَنَا وَعَلَيْهِمْ مَا عَلَيْنَا.

Al-Kāsānī, in his book *Badā’iṣ al-ṣanā’iṣ*, has regarded

¹ • Al-Qurāfī, *al-Furūq*, 3:14.

² • Ibn ‘Abidīn al-Shāmī, *Radd al-muhtār*, 3:273–274.

the rights of Muslims and non-Muslims as equal: “Non-Muslim citizens enjoy the same rights that are enjoyed by us (Muslims), and they have the same responsibilities as we do.”¹

¹ •Al-Kāsānī, *Badā’iṣ al-ṣanā’iṣ*, 7:111.